



THE PLANNINGHUB

*by Hawes & Swans*

# STATEMENT OF ENVIRONMENTAL EFFECTS

S4.55(2) Modification Application (MOD 2) SSD8209

Site 4A, Oakdale South Industrial  
Estate, Kemps Creek

## CONTACT INFORMATION

THE PLANNINGHUB *by Hawes & Swan*

ABN 27 605 344 045

Suite 4, Level 4,  
35 Buckingham Street,  
Surry Hills New South Wales 2010

[www.theplanninghub.com.au](http://www.theplanninghub.com.au)

Author(s):



Lachlan Rodgers  
Town Planner



Melissa Stilloni  
Town Planner

Approved by:



Jeremy Swan  
Director

## DOCUMENT INFORMATION

Prepared For: Costco Wholesale

Project Name: Costco Mod 2

Job Reference: 18/227 V3

Date Approved: 28 September 2018

## Table of Contents

<b>1.0</b>	<b>Introduction</b>	<b>5</b>
1.1	Development History	5
<b>2.0</b>	<b>Site Analysis</b>	<b>6</b>
2.1	Location and Context	6
2.2	Precinct 4 (Site 4A)	8
2.3	Land Ownership	8
2.4	Existing Site Conditions	9
<b>3.0</b>	<b>Proposed Development</b>	<b>9</b>
3.1	Overview	9
3.2	Changes to SSD 8209 Conditions of Consent	14
<b>4.0</b>	<b>Section 4.55 Considerations</b>	<b>15</b>
<b>5.0</b>	<b>Assessment of Environmental Impacts</b>	<b>16</b>
5.1	Statutory Planning Framework and Compliance	16
5.2	Assessment of Environmental Impacts	24
5.3	Social and Economic Impacts	26
5.4	Site Suitability	26
5.5	Public Interest	27
<b>6.0</b>	<b>Conclusion</b>	<b>27</b>

## Appendices

- A**    Approved and denotated proposed changes  
      The Planning Hub
- B**    Architectural Plans  
      Group GSA Architects
- C**    Addendum Fire Safety Statement  
      Exova Defire – Innovative fire safety
- D**    BCA and Access Cover letter  
      Philip Chun Building Compliance
- E**    Acoustic Cover letter  
      SLR Acoustics
- F**    Sustainability Management Plan  
      SLR Consulting Australia Pty Ltd

## 1.0 Introduction

This Statement of Environmental Effects (SEE) accompanies a Section 4.55(1A) application submitted to the NSW Department of Planning and Environment (DP&E) on behalf of Costco Wholesale. This modification seeks consent for minor changes to the approved plans and sustainability management plan to enable minor changes to the approved buildings approved under SSD 8209 at Site 4A, Oakdale South Industrial Estate, Kemps Creek, now known as 15 Ottelia Road, Kemps Creek.

The overall intent of this modification is to allow for minor changes to the approved depot that will better reflect the intended use of the development including the reduction in office space and the inclusion of a temporary optical lab. In addition, the modification includes a revised sustainability management plan that aligns to the plans proposed under this DA and the revised plans approved under SSD 8209 Mod 1.

This SEE provides a detailed description of the site and the proposed modifications and provides an assessment of the proposal against the relevant heads of consideration set out in Section 4.15 of the *Environmental Planning and Assessment Act, 1979* (EP&A Act). That assessment has found that the proposal:

- Meets the current objectives of the SEPP and DCP where applicable.
- Will not result in significant negative impacts on surrounding land uses and environment.
- Is responsive to site context and presents a positive visual relationship with surrounding uses.
- Is strongly in the public interest.

The SEE forms part of a suite of documents that are submitted in support of the application attached as **Appendices A - F**.

## 1.1 Development History

**SSD 8209** sought approval to develop a warehouse and distribution facility within Precinct 4, Site 4A of the Oakdale South Industrial Estate (Oakdale South) at Kemps Creek, located within the Penrith Local Government Area (LGA).

The proposed warehouse will be operated and used by Costco Wholesale (Costco) for the warehousing and distribution of a range of consumer products to services its current and future retail stores in Australia.

Specifically, SSD 8209 approved the following works:

- Staged construction fit out and use of a warehouse and distribution centre and ancillary office space including:
- 33,588m<sup>2</sup> of warehousing Gross Floor Area
- 1,689m<sup>2</sup> of office GFA over two levels
- 169 loading docks at full development
- Maximum building height of 11.26m
- 328 car parking spaces at full development

- Pavement and hardstand areas
- Refrigeration plant
- On-lot stormwater, infrastructure, fire services, pump room and 600 kilolitres (KL) of rainwater storage; and
- Associated landscaping.

SSD 8209 Mod 1 was approved by the Department of Planning 17 August 2018. Mod 1 was approved for a series of minor changes to the physical building. Those changes are anticipated to improve on site operational management and achieve compliance with the relevant Australian Standards and Building Code of Australia standards.

This DA proposes minor changes to the approved depot that will better reflect the intended use of the development consisting of the removal of the first-floor component of the office and the inclusion of a temporary optical lab as part of Stage 1. In addition, the modification includes a revised sustainability management plan that aligns to the plans are proposed under this DA and the revised plans approved under SSD 8209 Mod 1.

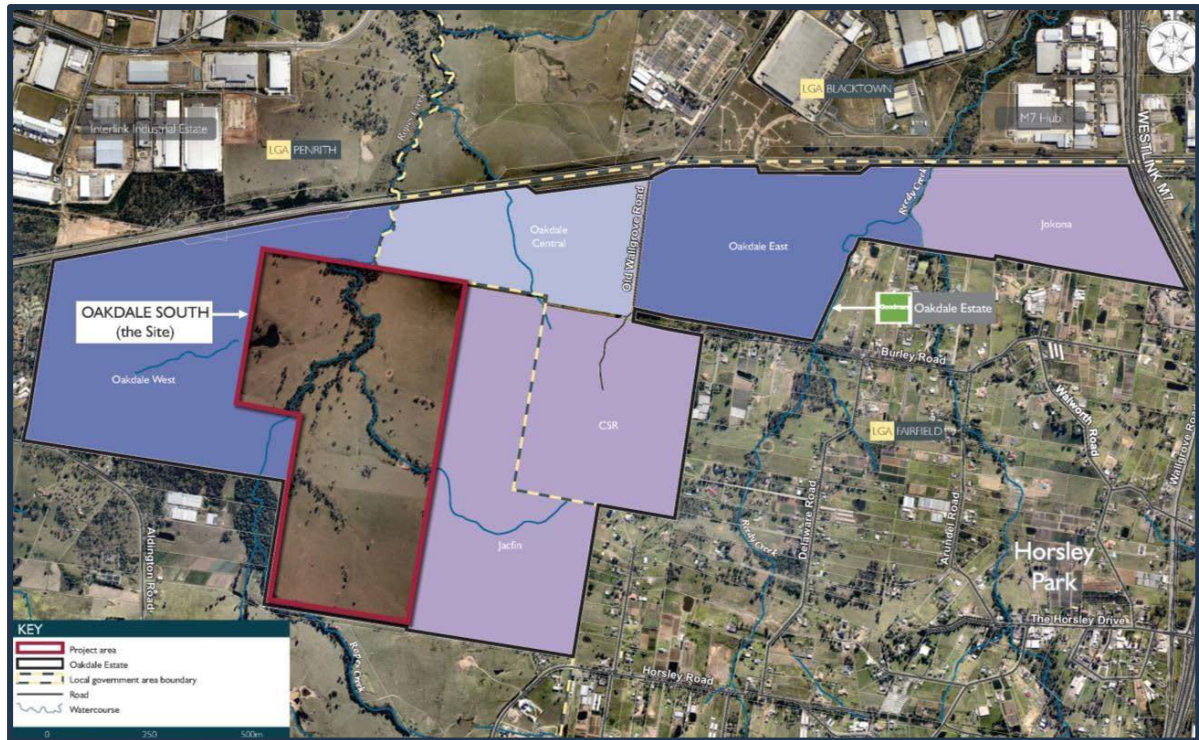
## **2.0 Site Analysis**

### **2.1 Location and Context**

The site is located within the Oakdale South Estate (OSE). The OSE comprises the second stage of development within the broader Oakdale Estate (see **Figure 1**). In its entirety, the Oakdale Estate incorporates five separate allotments, described in **Table 1**.

The OSE is located in the Penrith Local Government Area (LGA), at the south-western end of Old Wallgrove Road (OWR) at Erskine Park within the WSEA.

The site's locational context is shown at **Figure 1**.



**Figure 1: Oakdale South Estate (Source: Goodman).**

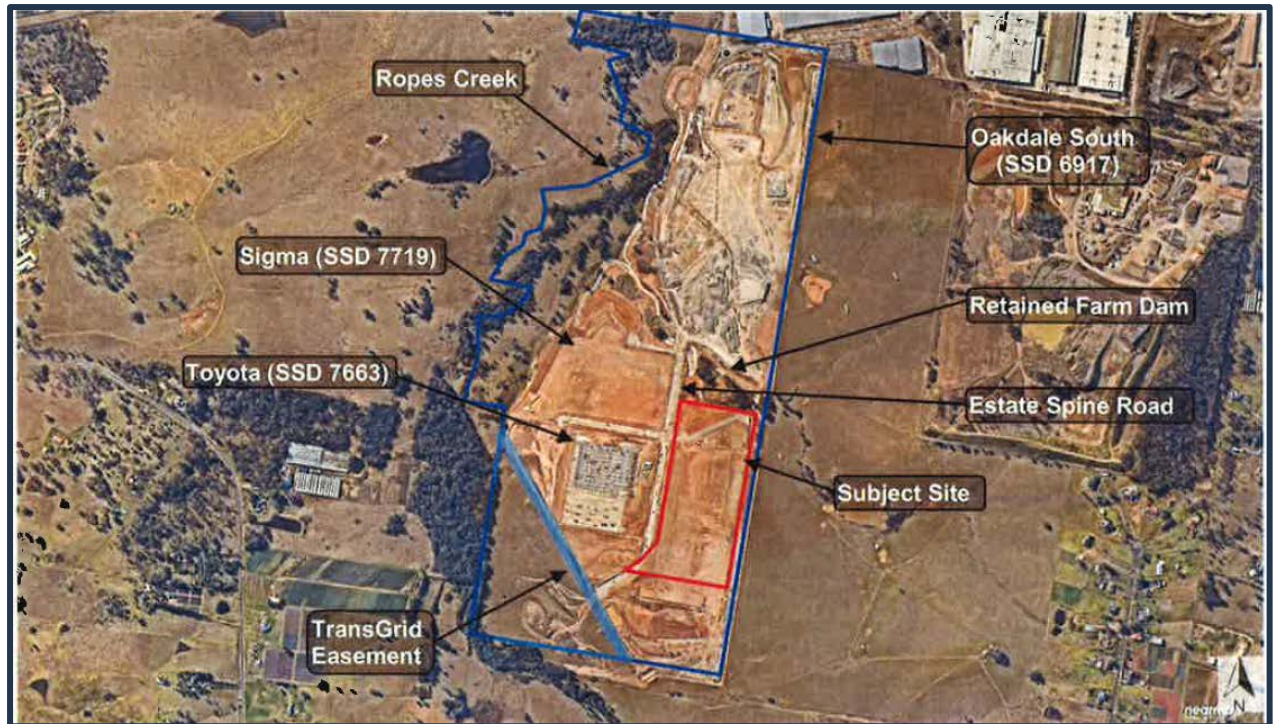
The OSE comprises the second stage of development within the broader Oakdale Estate and at its fruition, the Oakdale Estate comprises of five separate allotments as described in **Table 1** and shown in **Figure 1**.

Table 1: Broader Oakdale Estate Lands			
LOT	DP	AREA	OAKDALE PRECINCT
1	1178389	154 hectares	Oakdale West
21	1173181	62 hectares	Oakdale Central
1	843901	88 hectares	Oakdale East
12	1178389	114 hectares	Oakdale South
87	752041	3 hectares	Oakdale South
TOTAL		421 Hectares	

As shown in Table 1, the OSE comprise of two allotments (Lot 12 and Lot 87) totaling 117ha. The site is roughly rectangular in shape with an irregular western border that follows the Ropes Creek riparian corridor, refer to **Figure 2** below.

The subject site is now registered and is legally described as Lot 3 DP 1229850 and commonly known as 15 Ottelia Road, Kemps Creek.





**Figure 2: Aerial Plan and site features. Site identified within red outline. (Source – DP&E Assessment Report).**

## 2.2 Precinct 4 (Site 4A)

The proposed Costco Wholesale facility will be located on Development Site 4A within Precinct 4 (refer to **Figure 2**). The site is bound by Estate Road 01 now known as Ottelia Road to the west and E2 zoned land to the north and the boundary of the estate to the east.

Development Site 4A has an area of 14.27 hectares with access provided via from Otellia Road (Estate Road 01)

## 2.3 Land Ownership

The subject site was previously owned by a Joint Venture (JV) between Goodman and Brickworks Limited (Brickworks, parent company of the Austral Brick Company Pty Ltd). Goodman entered into a JV with Brickworks to develop the broader Oakdale Estate into a regional warehousing and distribution hub.

Within the WSEA itself, Goodman owned a number of industrial estates including the M7 Hub Estate, the Interchange Park Estate, Bungaribee Industrial Estate, Interlink Industrial Estate and Westpark Industrial Estate and the broader Oakdale Estate lands as shown in **Figure 1 & 2**. The majority of this land is now developed, largely for warehousing and distribution uses with key tenants in the WSEA including TOLL, DHL, Coca Cola, Bunnings, Coles and Woolworths.

The subject site is now registered and legally defined as Lot 3 in DP 1229850 and is owned by Costco Wholesale Australia.



## 2.4 Existing Site Conditions

Specific details on analysis is provided as follows:

<b>Landform</b>	Bulk earthworks and infrastructure construction have commenced across the site in accordance with SSD 6917. The bulk earthworks include the establishment of the building pad for the Costco warehouse as seen in Figure 2 below.
<b>Building/ Structures</b>	The site currently vacant.
<b>Access</b>	The subject site is accessed via from Estate Road 01 now known as Ottelia Road from the North.

## 3.0 Proposed Development

### 3.1 Overview

This Section 4.55(1A) application proposes changes to the staging of the construction of the staff/office area approved under the original approved SSD 8209. Proposed modifications as detailed on architectural plans prepared by Group GSA and denoted in amendments legend in **Appendix B** are corresponded below.

A detailed description the proposed minor modifications are as follows:

#### Office / Staff Area Reconfiguration

- The removal of the first-floor component of the office reducing the office floor area to 827m<sup>2</sup>, labelled **A** on the Amended Architectural Plans provided in **Appendix B**.
- The reconfiguration of the ground floor office including the amendment of the grids and structure, labelled **A1** on the Amended Architectural Plans provided in **Appendix B**.
- The removal of the lift and stairs from the office and the amendment of the layout of the electrical room and payroll office, labelled **A2** on the Amended Architectural Plans provided in **Appendix B**.
- The amendment of the stairs located at the south western entrance to the office, labelled **A3** on the Amended Architectural Plans provided in **Appendix B**.
- The amendment of window size in the conference room, labelled **A4** on the Amended Architectural Plans provided in **Appendix B**.
- The relocation of the first-floor office area to the north western end of the dry depot area, to be used temporarily as an Optical Lab, labelled **B** on the Amended Architectural Plans provided in **Appendix B**

**Updated site data as denoted as C on Amended Architectural Plans.**

Specifically, the remaining key revised changes include:

<b>Table 2: SSD 8209 Comparison of site data.</b>			
<b>Area</b>	<b>Approved under SSD8209</b>	<b>Approved under SSD8209 Mod 1</b>	<b>Proposed under this Modification to SSD 8209</b>
<b>Site Data</b>			
Stage 1 Site Area:	103,240m <sup>2</sup>	109,174m <sup>2</sup>	109,174m <sup>2</sup>
Stage 2 Future Development site Area	39,522m <sup>2</sup>	33,588m <sup>2</sup>	33,588m <sup>2</sup>
Grand Total	142,762m <sup>2</sup>	142,762m <sup>2</sup>	142,762m <sup>2</sup>
<b>Building Data</b>			
Stage 1 Dry Depot	12,081m <sup>2</sup>	11,942m <sup>2</sup>	11,942m <sup>2</sup>
Stage 1 Wet Depot Including Freezer	8442m <sup>2</sup>	8,631m <sup>2</sup>	8,631m <sup>2</sup>
Stage 1 Balers Room	62m <sup>2</sup>	73m <sup>2</sup>	73m <sup>2</sup>
Stage 1 Guard House	84m <sup>2</sup>	84m <sup>2</sup>	84m <sup>2</sup>
Stage 1 Main Switch Room	167m <sup>2</sup>	119m <sup>2</sup>	119m <sup>2</sup>
Stage 1 Office	1,689m <sup>2</sup>	1,671m <sup>2</sup>	827m <sup>2</sup>
Stage 1 Office Building Amenity Room	17m <sup>2</sup>	17m <sup>2</sup>	17m <sup>2</sup>
Stage 1 Plant Amenity Room	Nil	17m <sup>2</sup>	17m <sup>2</sup>
Stage 1 Refrigeration Plant Room	150m <sup>2</sup>	198m <sup>2</sup>	198m <sup>2</sup>
Stage 1 Water Treatment Plant	Nil	9m <sup>2</sup>	9m <sup>2</sup>
Total Stage 1 Depot & Building Area	22,691m <sup>2</sup>	22,761m <sup>2</sup>	21,917m <sup>2</sup>
Dry Storage Cross Dock	6,248m <sup>2</sup>	6,086m <sup>2</sup>	6,086m <sup>2</sup>
Buy In	2,240m <sup>2</sup>	2,240m <sup>2</sup>	2,240m <sup>2</sup>

Statement of Environmental Effects – Modification 2 to SSD 8209

E-Com	2,088m <sup>2</sup>	2,099m <sup>2</sup>	2,086m <sup>2</sup>
AQIS	1,504m <sup>2</sup>	1,517m <sup>2</sup>	1,269m <sup>2</sup>
Optical Lab	-	-	261m <sup>2</sup>
Wet Storage Cross Dock	5,844m <sup>2</sup>	6,081m <sup>2</sup>	6,081m <sup>2</sup>
Freezer	2,598m <sup>2</sup>	2,550m <sup>2</sup>	2,550m <sup>2</sup>
<b>Track Door Data</b>			
<b>Non-Bonded Receiving Doors</b>			
Dry Storage Receiving Doors	20	26	26
Wet Storage Receiving Doors	24	20	20
<b>Non-Bonded Knockout Receiving Doors</b>			
Dry Storage Knockout Receiving Doors	25	19	19
Wet Storage Knockout Receiving Doors	Nil	4	4
<b>Non-Bonded Shipping Doors</b>			
Dry Storage Shipping Doors	15	22	22
Wet Storage Shipping Doors	20	20	20
<b>Non-Bonded Knockout Shipping Doors</b>			
Dry Storage Knockout Shipping Doors	30	23	23
Wet Storage Knockout Shipping Doors	5	5	5
<b>Total Docks for Stage 1</b>	<b>139</b>	<b>139</b>	<b>139</b>
<b>Parking</b>			
Parking	238 Staff parking	232 staff parking 6 accessible spaces Total: 238 car spaces	232 staff parking 6 accessible spaces Total: 238 car spaces

Hardstand area	65,602m <sup>2</sup>	66,383m <sup>2</sup>	66,383m <sup>2</sup>
----------------	----------------------	----------------------	----------------------

### Inclusion of Optical lab

Currently Costco Wholesale offer optical services within Costco retail outlets. The optical 'Lab' is essentially low scale manufacturing with no chemicals are involved in the process.

The process involves the optical 'lab' taking pre-manufactured plastic blanks (lens) that are imported from the companies US lens manufacturer and cuts them to fit the frames, which are then fitted to the spectacles. The cutting process is done using water to cool the cutting heads. The water is filtered and recycled. The plastic swarf is collected from the filters, dried and disposed to land fill through standard waste channels as a solid inert plastic waste.

It is intended the optical 'lab' is only temporary as proposed in Stage 1. Costco intends the facility to be a permanent operation on site and plans to relocate the optical facility into Stage 2. A subsequent application for the relocation of the optical lab will be submitted with stage 2 works.

### Revised Sustainability Management Plan (SLR Consulting Australia Pty Ltd)

Under SDD 8209 Mod 1, a series of changes to the warehouse building was approved by the Department on 17 August 2018. Those changes under Mod 1 included minor changes to the approved warehouse and distribution facility that improved operational practices and to achieve compliance with the relevant Australian Standards and BCA provisions. The flow on effect of those changes approved under Mod 1 resulted in discrepancies in the approved Sustainability Management Plan prepared by SLR Consulting Australia Pty Ltd.

To that end, this modification proposes to revise the recommendations and strategies within the Sustainability Management Plan prepared by SLR Consulting Australia Pty Ltd to align with the approved changes under SSD 8209 Mod 1 and in accordance with proposed changes under this modification 2.

**Table 3** provides a summary of those changes and should be read in accordance with annotated clouded changes as detailed the revised Sustainability Management Plan in **Appendix F**.

Table 3: Summary of Changes to Sustainability Management Plan (Revision 2)		
Page Number	Heading/ section	Proposed Changes
7	Project Description	Updated to reflect revised numerical data as approved under SSD8209 Mod 1
8 & 9	Figures 2 – 4	Updated to reflect revised plans as proposed under Mod 2. Omission of figure referring to first floor report.

10	Energy Sources	Table of documentation updated to reflect current plans and documents
11	Table 1 – Summary of Assessment. Design and management & Façade performance	Updated to formalize recommendations and prescribe specific performance outcomes backed on CC details
12	Social sustainability	Change in comment for lighting and AC requirements to offices and warehouses. AC was never proposed to warehouse, there is no Building Code Australia requirement for AC requirements to warehouse area. Amendments to SLR report to AC provisions.
13	Minimizing transport impact	Additional detail added noting staff biking requirements to be based on demand. All car spaces provided on site designed to relevant AS.
14	Optimizing IEQ	Revised targets and strategies based on approved Mod 2 plans, specifically removing the proposed strategy of evenly spaced translucent roof sheeting to warehouse areas replacing with occupancy sensors to be specified in each space to turn lighting off when areas are unoccupied to significantly reduce energy consumptions. Comments updated accordingly to reflect targets and strategies.
15	Minimising Energy Use	Revised proposed target and strategy based on revised plans submitted under Mod 2. Specifically, the omissions of the second story component to the office area results in a change in orientation to the office space. Proposed strategy to suit amended plans as detailed in Mod 2.
16	Choosing materials	Update materials based on approved and proposed plans under this modification.
18	Water conservation and reuse	Rainwater tank volume corrected, previous report stated incorrect rainwater tank volume 450,000KL. Revised report notes 450KL.
19	Section 6.1 Baseline and proposed energy consumption	Recommendations updated to suit revised plans. Of note, revised recommendations continue to achieve 30% Energy reduction as per original sustainability Management plan.
20	Section 6.2 Artificial lighting	Excludes measures for office and warehouse lighting as a result of the removal of translucent sky lights.
21	Section 6.3.1 Air conditioning temperature control and set point	Omitted warehouse areas from Air conditioned area. AC was never proposed to warehouse, there is no Building Code Australia requirement for AC requirements to warehouse area. Amendments to SLR report to AC provisions.

	Section 6.3.3 Warehouse Ventilation Strategy	Inclusion of passive roof ventilators under air outlet exhaust.
23	Section 7 Potable Water Consumption	Potable water consumption has been updated to reference 450KL rainwater tank.
24	Section 8.2	omits a paragraph on Goodman's general Industrial Building Specification as building specification not applicable to this project.
26	Conclusion	Updated to reflect the current land owners and revised energy and efficiency measures to suit approved changes carried out under Mod 1.

The proposed changes to SLR's Sustainability Management Plan are a direct result of the changes as approved under SSD 8209 Mod 1 and those changes proposed under this modification. The Sustainability Management Plan concludes the revised recommendations continue to achieve 30% Energy reduction which is consistent with the recommendations contained within the original sustainability Management plan approved under SSD 8209.

### 3.2 Changes to SSD 8209 Conditions of Consent

The following changes are proposed to the Conditions of Consent for SSD8209, with proposed wording removed with ~~strike through~~, and additional working in **red**.

The revision and dates of the plans proposed to be amended adopt those as modified under Mod 1 currently under assessment.

## APPENDIX A APPROVED PLANS

Architectural Plans prepared by Group GSA			
Drawing No.	Revision	Name of Plan	Date
DA1101.1	<del>F</del> <b>L</b>	Site Plan Stage 1	<del>16/05/2018</del> <b>08/08/2018</b>
DA1101	H	Site Plan Stage 2	18/07/2017
DA1103.1	<del>D</del> <b>I</b>	Area Floor Plan Stage 1	<del>18/07/2017</del> <b>08/08/2018</b>
DA1103	F	Area Floor Plan Stage 2	18/07/2017
DA2001	<del>F</del> <b>K</b>	Overall Plan – Detail Callout plan	<del>16/05/2018</del> <b>08/08/2018</b>
DA2002.1	<del>A</del> <b>K</b>	Roof Plan Stage 1	<del>16/05/2018</del> <b>08/08/2018</b>
DA2002	F	Roof Plan Stage 2	18/07/2017



DA2013	E J	Ground Floor Plan – Zone D	<del>16/05/2018</del> 08/08/2018
DA2014	E	Ground Floor Plan – Zone E	16/05/2018
DA3001.1	A F	Concept Elevation Stage 1	<del>16/05/2018</del> 08/08/2018
DA3001	F	Concept Elevation Stage 2	18/07/2017
DA3002.1	A F	Concept Elevation Stage 1	<del>16/05/2018</del> 08/08/2018
DA3002	F	Concept Elevation Stage 2	18/07/2017
DA3003	E	Concept Elevation	16/05/2018
DA3010	I	Concept Elevation Callout	16/05/2018
DA3101	E J	Overall Sections	<del>16/05/2018</del> 08/08/2018
DA8200	E	External Materials and Finishes	16/05/2018

#### 4.0 Section 4.55 Considerations

In considering the proposed Section 4.55(1A) Application, the matters listed in Section 4.15 of the *Environmental Planning and Assessment Act 1979* have been taken into consideration in the preparation of this report and are as follows:

- (a) The provisions of any EPI and DCP and any other matters prescribed by the Regulations.

##### Section 4.55(1A) Provisions

Pursuant to Section 4.55(1A) of the *Environmental Planning and Assessment Act 1979*, the consent authority has to be satisfied that:

- (a) *it is satisfied that the proposed modification is of minimal environmental impact, and*
- (b) *it is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which the consent was originally granted and before that consent as originally granted was modified (if at all), and*
- (c) *it has notified the application in accordance with:*
- (i) *the regulations, if the regulations so require, or*
  - (ii) *a development control plan, if the consent authority is a council that has made a development control plan that requires the notification or advertising of applications for modification of a development consent, and*
- (d) *it has considered any submissions made concerning the proposed modification within any period prescribed by the regulations or provided by the development control plan, as the case may be.*

**Comment:**

The proposed Section 4.55(1A) application seeks consent to modify State Significant Development Approval SSD8209 for the purposes of minor building changes to the approved built form.

The development as modified is substantially the same development as approved and it does not result in any significant change to development as proposed nor the use of the building, as originally approved. The proposed changes involve only minor changes across the site and only amend minor components of the built form and associated building details as originally approved. Of note, the revised sustainability management plan prepared by SLR Consulting note the revised recommendations continue to achieve 30% Energy reduction as per original sustainability Management plan.

The proposed modification is minor in nature and represents substantially the same development as that approved under the original consent and will have no discernible additional environmental impacts to that of the original approved design. As such, the proposed modification is deemed compliant with the provision of Section 4.55(1A) of the *Environmental Planning and Assessment Act 1979* and is supportable in this instance.

## **5.0 Assessment of Environmental Impacts**

### **5.1 Statutory Planning Framework and Compliance**

An assessment of the proposal has been made against the relevant planning instruments applicable to the land and the proposal. The Environmental Planning Instruments that relate to the proposed modifications are:

- State Environmental Planning Policy (State and Regional Development) 2011
- State Environmental Planning Policy (Western Sydney Employment Area) 2009
- State Environmental Planning Policy (Infrastructure) 2007
- State Environmental Planning Policy No 55 – Remediation of Land
- State Environmental Planning Policy No.33 – Hazardous and Offensive Development
- State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 200
- Sydney Regional Environmental Plan No. 9 – Extractive Industry (No. 2)
- Sydney Regional Environmental Plan No. 20 – Hawkesbury – Nepean River; and
- Penrith Local Environmental Plan 2010.

#### **5.1.1 State Environmental Planning Policy (State and Regional Development) 2011**

Schedule 1, Group 12 of the SRD SEPP identifies development for the purposes of ‘warehouses or distribution centres to be SSD if it:

*‘has a capital investment value of more than **\$50 million for the purpose of warehouses or distribution centres** (including container storage facilities) at one location and related to the same operation.’*

SSD 8209 proposed works for Site 4A of the OSE (incorporating infrastructure and building works) have a value in excess of \$50 million and therefore the project is characterised as SSD and to that end the Minister for Planning is the consent authority for this modification.

### 5.1.2 State Environmental Planning Policy (Western Sydney Employment Area)2009

The WSEA SEPP is the principal EPI applying to the OSE and establishes the zoning and core development controls for the site. The proposed modification contains amendments that are considered minor in nature and those changes are consistent with the relevant provisions of the WSEA SEPP. The relevant provisions of the WSEA SEPP are discussed in relation to the modification of Site 4A of the OSE in **Table 3**.

#### Relevant SEPP Clauses

Table 3: WSEA SEPP Compliance Table.		
Clause	Provision	Comment
<b>Cl. 3 – Aims</b>	Clause 3 aims to protect and enhance the WSEA for employment purposes.	The proposal remains consistent with the overarching aim of the WSEA SEPP.
<b>Cl. 10- Land Use Zoning</b>	Site 4A of the OSE is zoned IN1 – General Industrial pursuant to this clause.	As above, the proposed development is permissible in the IN1 zone and consistent with the zone objectives. The proposed optical lab will be utilized for the assembly reading glasses and can therefore be defined as an industry which is also permissible in the IN1 zone.
<b>Cl. 18- Development Control Plans</b>	Clause 18 requires that a DCP be in place before consent can be granted for development within the WSEA.	An assessment against the core precinct development controls proposed (where applicable) within the approved Concept and Stage 1 SSDA 6917 for the OSE has been undertaken within this SEE in compliance table below.
<b>Cl. 20 – Ecological Sustainable Development</b>	Clause 20 requires that developments contain measures to minimise the consumption of potable water and greenhouse gas emissions.	The proposed minor changes have been designed with consideration of these requirements. Refer to original EIS which demonstrates a range of initiatives which will be implemented to reduced water an Greenhouse Gas emissions. Proposed changes to not impact on these initiatives.

<b>Cl. 21 – Height of Buildings</b>	Clause 21 requires that building heights for proposed development adequately respond to site topography and preserve the amenity of adjacent residential areas.	This modification proposes a maximum building height of 10.27m.  The maximum building height applicable to the site is 15m as adopted for the OSE within the consent for the Concept and Stage 1 SSDA for the OSE and has been established in consideration of the site context, topography and visual impact.
<b>Cl. 22 – Rainwater Harvesting</b>	Clause 22 requires that adequate arrangements are made to connect the roof areas of buildings to any rainwater harvesting scheme approved by the Director General.	The proposed modifications are not considered to substantially impact or require changes to the approved stormwater design. Revised stormwater management plans to reflect the proposed minor amendments will be provided at construction certificate stage.
<b>Cl. 31 – Design Principles</b>	In relation to development proposals, clause 31 requires that the consent authority consider whether, or not: (a) the development is of a high quality design, and (b) a variety of materials and external finishes for the external facades are incorporated, and (c) high quality landscaping is provided, and (d) the scale and character of the development is compatible with other employment-generating development in the precinct concerned.	This modification proposes changes to the internal layout and minor changes to the external elevations of the building. The proposed changes are considered minor and are consistent with the design principles set out within this clause.  The overall scale and character and materials and finishes remains consistent with built form approved under DA 8209.

### 5.1.3 State Environmental Planning Policy (Infrastructure) 2007

Subdivision 2 Clause 45 of the *State Environmental Planning Policy (Infrastructure) 2007* (ISEPP) applies to development adjacent to an Electricity Easement and requires the consent authority to give written notice

to the electricity supply authority for the area in which the development is to be carried out and invite comments about potential safety risk.

Clause 104 of the ISEPP provides for certain proposals, known as Traffic Generating Development, to be referred to NSW Roads and Maritime Services for concurrence.

Schedule 3 lists the types of development that are defined as Traffic Generating Development. The referral thresholds for 'Industry' are:

- 20,000m<sup>2</sup> or more in GFA with site access to any road; or
- 5000m<sup>2</sup> or more in GFA where the site has access to a classified road or to a road that connects to a classified road (if access is within 90 metres of connection, measured along the alignment of the connecting road).

The proposed modification does not result in intensification of the site or any variation to the approved use and frequency of traffic generation on site. To that end, the proposed modification is considered minor and consistent with the recommendations made under the original approval.

#### 5.1.4 State Environmental Planning Policy No 55 – Remediation of Land

Under the provisions of *State Environmental Planning Policy No. 55 – Remediation of Land* (SEPP 55), where a development application is made concerning land that is contaminated, the consent authority must not grant consent unless:

- a) It has considered whether the land is contaminated, and*
- b) if the land is contaminated, it is satisfied that the land is suitable for the purposes for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.*

As required by the DP&E a detailed investigation of contamination on the site was carried out as part of the OSE Concept Proposal and Stage 1 SSDA. This Limited Scope Phase II Environmental Site Assessment (ESA) in March 2016 was undertaken by AECOM. Based on the available data this ESA concluded

- *Significant soil contamination-related constraints to the commercial/industrial development of the Site have not been identified.*
- *Site soils, as investigated, are considered suitable for commercial/industrial land use.*
- *The potential for groundwater contamination to be present that would preclude Site suitability for the proposed development is considered to be low based on the Site history and results of this investigation.*

With respect to the SSDA Masterplan dated 25 May 2016, AECOM advised that no further contamination assessment was necessary to assess Site suitability for commercial/industrial land use, based on:

- The footprint of the proposed revised Masterplan being substantially similar to the 04 September 2015 version.
- There would be no reason for any changes to have occurred to the contamination status of Site soils since completion of the ESA.

In addition to the above Goodman will adopt an unexpected finds protocol in relation to as part of the estate wide infrastructure works in the unlikely event that any contamination is encountered on site to ensure it is properly handled and disposed of.

The Department stated within its assessment report for the Concept and Stage 1 approval that it considers the site is fit for its intended purpose of warehousing and distribution uses and is consistent with the aims, objectives and provisions of SEPP 55. No changes to the use of the site is proposed under this modification and it is therefore considered that the development of Site 3B is fit for the intended purpose and also consistent with the aims and objectives of SEPP 55.

#### **5.1.5 State Environmental Planning Policy No.33 – Hazardous and Offensive Development**

*State Environmental Planning Policy No. 33 – Hazardous and Offensive Development* (SEPP 33) requires the consent authority to consider whether an industrial proposal is potentially hazardous or comprises a potentially offensive industry. In doing so, the consent authority must give careful consideration to the specific characteristics and circumstances of the development, its location and the way in which the proposed activity is to be carried out. Any application to carry out potentially hazardous development must be supported by a preliminary hazard analysis (PHA).

Under SSD 8209 a Waste and Recycling Management Plan prepared by Jacobs Group (Australia) dated April 2017 was submitted and approved. This report addressed the relevant provisions of SEPP 33 and concluded *“A Review of the quantities of dangerous goods (DGs) stored at the proposed Costco Warehouse was conducted and compared to the threshold quantities outlined in applying SEPP 33. The results of this analysis indicate that the threshold quantities for the DGs to be stored are not exceeded; hence, SEPP 33 does not apply to the project.”*

#### **5.1.6 State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007**

Clause 13(1) of *State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007* applies to an application for consent for development on land that is, immediately before the application is determined:

- a) *in the vicinity of an existing mine, petroleum production facility or extractive industry*



Before determining an application to which this clause applies, the consent authority must consider

- *the existing uses and approved uses of land in the vicinity of the development, and*
- *whether or not the development is likely to have a significant impact on current or future extraction or recovery of minerals, petroleum or extractive materials (including by limiting access to, or impeding assessment of, those resources), and*
- *any ways in which the development may be incompatible with any of those existing or approved uses or that current or future extraction or recovery, and*

The assessment report for the Concept and Stage 1 SSDA determined that

*“development of the OSE for a warehousing and distributing complex will sterilise the ability to recover the clay/shale resources for brick manufacture.”*

However, the Department determined that this was

*“an acceptable outcome as extractive industries are prohibited within IN1 and E2 zoned land under the WESEA SEPP and the Department of Industry, Resources and Energy raised no objection and advised potential mineral resource issues have been addressed in the EIS.”*

The proposal does not result in intensification of the site or any variation to the approved use. Accordingly, it is considered that the development of Site 4A will be carried out in a manner consistent with the concept and Stage 1 approval is acceptable development outcome.

#### **5.1.7 Sydney Regional Environmental Plan No. 9 – Extractive Industry (No.2)**

SREP No 9 aims to facilitate the development of extractive resources in proximity to the population of the Sydney Metropolitan Area by identifying land which contains extractive material of regional significance, and to ensure consideration is given to the impact of encroaching development on the ability of extractive industries to realise their full potential.

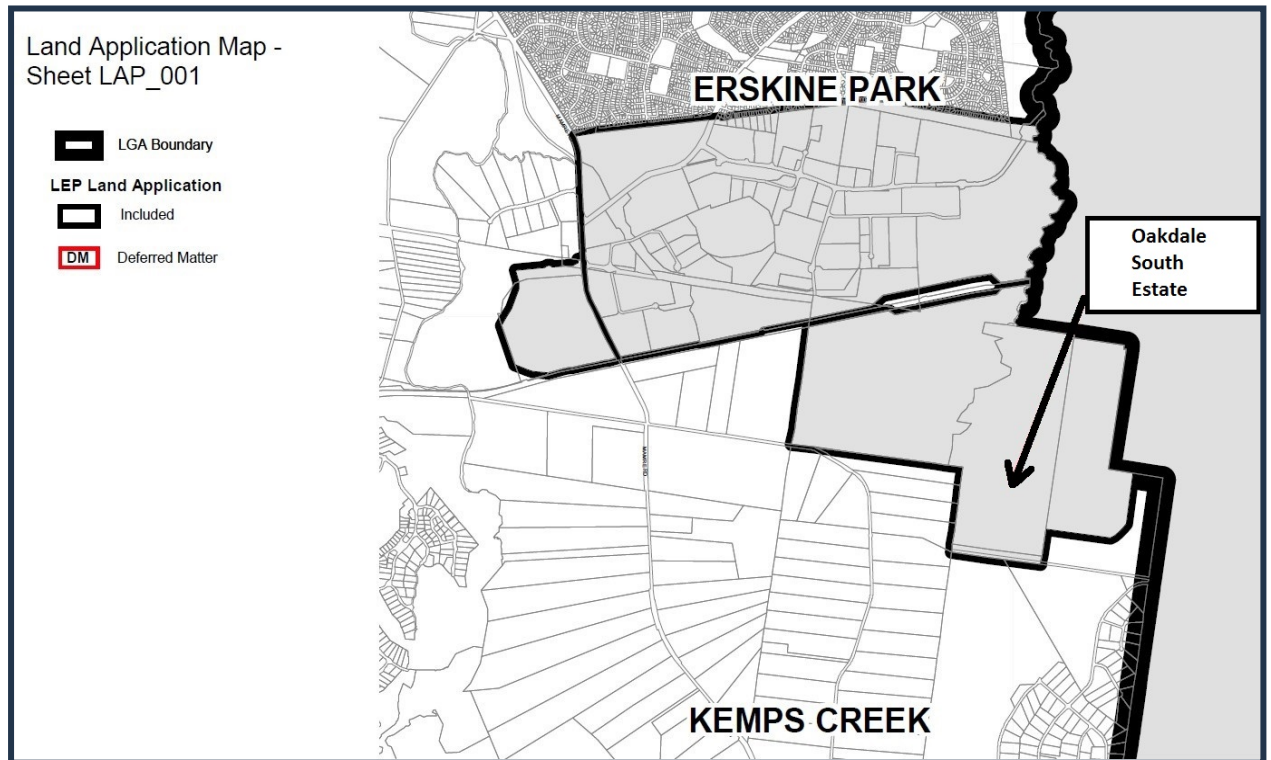
Clause 4 of the SREP states that the plan prevails to the extent of any inconsistency between it and another EPI except a SEPP. The site is zoned IN1 – General Industrial under the WSEA SEPP. Extractive industries are prohibited development in the IN1 zone. Accordingly, the provisions of the WSEA SEPP prevail over SREP 9.

#### **5.1.8 Sydney Regional Environmental Plan No. 20 – Hawkesbury – Nepean River;**

The proposed modification is consistent with the aim of the SEPP (to protect the environment of the Hawkesbury- Nepean River System) and all of its planning controls. This proposal does not result in intensification of the site or any variation to the approved use and it is considered consistent with the aims and objectives of this SEPP.

### 5.1.9 Penrith Local Environmental Plan 2010.

As shown on the Penrith LEP 2010 Land Application Map in Figure 40 below, the Penrith LEP 2010 does not apply to the OSE.



**Figure 3: Penrith LEP Land Application Map Extract (Source: Legislation website)**

Of note, Clause 8(2) of the WSEA SEPP provides that the SEPP prevails to the extent of any inconsistency with any Local Environmental Plan (LEP) or Environmental Planning Instrument (EPI).

As part of the RTS for the SSD 6917, a suite of controls was proposed to be amended as part of Section E6 Erskine Business Park of Penrith DCP 2014. This DCP provided built form controls to guide the future development of the OSE including Site 4A (Subject site).

Condition B11 of the Development Consent for SSD 6917 requires that development within the OSE is consistent with the development controls as detailed within **Table 4** below and has also been expanded to include an assessment where relevant against Council's DCP as amended by SSD 6917.

Table 4: Penrith DCP 2010 Compliance Assessment Table.		
Development Aspect	Control	Complies. Comment
Setbacks	To Southern Link Road - 20m	NA

Table 4: Penrith DCP 2010 Compliance Assessment Table.

Development Aspect	Control	Complies. Comment
	<p>Estate roads within the Oakdale South Estate – 7.5m</p> <p>Rear and Side Boundaries – 5m</p> <p><i>Boundary setbacks along southern property boundary of OSE</i></p> <p>Side Boundaries within the Oakdale South Estate – 0m (subject to compliance with fire rating requirements)</p>	<p>Yes. Setback to Ottelia Road (former Estate Road 1) is consistent to approved SSD8209 7.5m. The setback when measured from the office building ramp to the front boundary is at least 80m from the front boundary. Complies.</p> <p>Yes. Minimum 5m side and rear boundary achieved.</p> <p>NA</p>
<b>Building Height</b>	Maximum 15m	This modification proposes a maximum building height of 10.27m.
<b>Minimum Frontage</b>	Minimum frontage (excluding cul-de-sacs): 40m. Minimum lot width at building line: 35m	No changes to the approved SSD8209.
<b>Site Coverage</b>	Maximum site coverage: 65%	This modification proposes a maximum site coverage to stage 1 of 20.9%.
<b>Signage</b>	The Applicant shall ensure that a maximum of one illuminated sign is placed on an elevation of each warehouse building. The warehouse elevation with illuminated signage shall be orientated away from residential areas.	No signage proposed.
<b>Car Parking</b>	On-site car parking for the OSE to be provided at the following rates:	Yes. This modification proposes 238 staff spaces including 6 accessible spaces as approved under SSD8209. The total

Table 4: Penrith DCP 2010 Compliance Assessment Table.		
Development Aspect	Control	Complies. Comment
	1 space per 300m <sup>2</sup> of warehouse GFA 1 space per 40m <sup>2</sup> of Office GFA  2 disabled spaces for every 100 car parking spaces.	number of spaces is in excess to the number of car spaces required under this control.

## 5.2 Assessment of Environmental Impacts

The proposed amendments are considered minor and are proposed to better reflect the intended use of the site. An assessment of the environmental impacts is provided in **Table 5**.

Table 5: Assessment of Environmental Impacts.	
Environmental Impact	Comment
Context & Setting	Only minor internal and external changes proposed and do not impact the context and setting of the overall development or surrounding area.
Streetscape	Minor exterior changes. No impacts considered to affect streetscape. Refer to Architectural plans prepared by Group GSA in <b>Appendix B</b> .
Traffic, access and parking	No changes to truck movements, access to site and parking.
Public Domain	No Impacts raised.
Utilities	No Impacts raised.
Environmental Heritage	No Impacts raised.
Aboriginal Cultural Heritage	No Impacts raised.
Other Land Resources	Nil.
Water Quality & Stormwater	No Impacts raised.

<b>Soils, soil erosion</b>	No Impacts raised.
<b>Air and microclimate</b>	No Impacts raised.
<b>Biodiversity / Flora and Fauna</b>	No Impacts raised.
<b>Waste</b>	No changes to approved waste management.
<b>Energy</b>	No Impacts raised.
<b>Noise &amp; vibration</b>	No changes proposed that will impact on Noise and Vibration from site. SLR have prepared a letter confirming the proposed changes will not generate additional noise impacts, refer to <b>Appendix E</b> submitted under separate cover.
<b>Hours of operation</b>	Nil Changes proposed.
<b>Natural hazards:</b> - Flooding - Bushfire Prone Area Map	No Impacts raised.
<b>Technological Hazards</b>	No Impacts raised. The revised sustainability management plan prepared by SLR Consulting note the revised recommendations continue to achieve 30% Energy reduction as per original sustainability Management plan.
<b>Safety, security and crime prevention</b>	Proposed changes are minor and will not impact on CPTED measures.
<b>Social impact in locality</b>	No Impacts raised.
<b>Economic Impact in Locality</b>	The warehouse and disruption will continue to provide jobs in both construction and operation. No net increase or decrease as approved.
<b>Site design and internal Design</b>	Proposed changes are considered minor and are substantially the same design as approved. Proposed internal changes are considered minor and will improve operational use of the building.

<b>Overlooking - Overshadowing</b>	No Impacts raised.
<b>Landscaping</b>	No Impacts raised.
<b>Construction</b>	No Impacts raised.
<b>Accessibility</b>	No Impacts raised. Cover letter prepared by Philip Chun Building Compliance to confirm proposed layout meets BCA and access requirements. Refer to <b>Appendix D</b> .  In addition, Exova Defire – Innovative fire safety has prepared a cover letter to confirm proposed changes are compliant in terms of fire safety requirements. Refer to <b>Appendix C</b> .
<b>Signage</b>	Nil Proposed

### 5.3 Social and Economic Impacts

It is considered the proposed modification is minor in nature and any social or economic impacts as a result of the proposed works is negligible. The modified proposal will continue to support the operation of the Oakdale South Estate and contribute to the growth of the industrial sector in the Western Sydney Region.

The proposal continues to represent a planned and orderly development of the land.

### 5.4 Site Suitability

The warehouse and distribution centre for Costco Wholesale will be compatible with the established industrial context of the surrounding area and the concept approval for the OSE. The development of Site 4A presents a significant opportunity to create long term employment opportunities through the development of the proposed distribution and warehouse development.

Site 4A is located in close proximity to connections to Old Wallgrove Road, the M4, M7, contributing to its convenient and accessible location within the region.

In addition, the proposed modification is substantially the same development as that originally approved therefore, the site remains suitable for the development as modified.



## 5.5 Public Interest

The proposal has been assessed against the current planning framework for the site and is consistent with the objectives of the Western Sydney Employment Area. The assessment has demonstrated that no significant adverse impacts will result to the surrounding area.

It is in the public interest to reinforce the importance of this location as a suitable development site.

## 6.0 Conclusion

This Section 4.55(1A) application seeks consent for minor changes to the approved depot, including the reduction in office space, the inclusion of a temporary optical lab and sustainability management plan as approved under SSD 8209 at Site 4A, Oakdale South Industrial Estate, Kemps Creek, now known as 15 Ottelia Road, Kemps Creek.

The proposal is generally consistent with the relevant environmental planning instruments, including the State and Regional Development SEPP 2011, Western Sydney Employment Area SEPP 2009 and upholds the objectives of this zone with employment generating land uses proposed.

The proposed development has planning merit in the following respects:

- the proposal supports the continued provision of jobs in Western Sydney and will support the regional objectives of the WSEA as an employment precinct;
- the proposal is suitable for the local context and is appropriate based on social, cultural, economic and environmental considerations;
- the proposed modification is substantially the same development as that originally approved therefore, the site remains suitable for the development as modified;
- the revised recommendations proposed within the revised sustainability management plan prepared by SLR Consulting continue to achieve 30% energy reduction as per original sustainability Management plan; and
- there are no adverse impacts on surrounding properties.

Having regard to the above, the proposed modification to the approved SSD 8209 within Site 4A OSE has been considered and assessed in accordance with the requirements of the EP&A Act 1979, and in light of the relevant heads of consideration listed under Section 4.15 of *The Act* the proposal is reasonable, appropriate and warrants favourable consideration.



**A PUBLICATION BY  
THE PLANNING HUB**

**PH (02) 9690 0279**

**SUITE 4, LEVEL 4,  
35 BUCKINGHAM STREET,  
SURRY HILLS, NSW 2010**

**INFO@THEPLANNINGHUB.COM.AU  
WWW.THEPLANNINGHUB.COM.AU**